

Trial Court Funding Study Committee

Final Report

December 1, 1999

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TRIAL COURT FUNDING STUDY COMMITTEE

FINAL REPORT

December 1, 1999

MEMBERS

Representative John Verkamp, Co-chairman
Representative Marilyn Jarrett
Representative Christine Weason

Senator Marc Spitzer, Co-chairman
Senator Joe Eddie Lopez
Senator Tom Smith

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I. Authority and Scope of Duties

The Trial Court Funding Study Committee is a joint study committee created through HB2046 (Laws 1999, Chapter 289). The purpose of the committee is:

“To review trial court funding and the administration of justice in this state, and to review different funding systems to evaluate if changes to the funding of the Superior Court will provide improved strategic management of the courts and attainment of the goal of processing ninety per cent of the criminal cases within one hundred days and ninety-nine per cent of the cases within one hundred eighty days.”

II. Committee Activity

The Trial Court Funding Study Committee met on Friday, November 5, 1999. A copy of the minutes of the meeting is attached to this report.

Staff

Jodi Jerich, Legislative Research Analyst/Counsel to the Majority
House of Representatives

Deborah Johnston, Legislative Research Analyst/Assistant Research
Director
Senate

III. Report

Testimony

The Committee entertained testimony from David Byers, Director of the Administrative Office of the Courts and from Paul McIntosh, Manager of Mohave County. A letter from Judge Gary R. Pope, Presiding Judge of the Mohave County Superior Court was introduced into the minutes.

Funding of the Arizona Court System

Testimony revealed that in FY98-99, the superior court received approximately \$160 million. From those funds, the superior court received 66% from the counties, 33% from the state and 1% from the federal government.

In the same fiscal period, the entire court system received approximately \$400 million, of which 51% came from the counties, 34% from the state, 14% from the cities and 1% from the federal government.

Court Filings

For the past four years, superior court filings have increased by 12.5%. In FY94-95, 155,175 were filed in superior court. In FY98-99, filings increased to 174,589.

Nationwide Overview of Funding of the Courts

Testimony showed that there is a trend for states to fund the superior court mainly by state appropriation.

- 32 states fund the courts entirely through state appropriation.
- 18 states (including Arizona) fund the courts through “split funding” where the state pays part and the county pays part.

California, Florida, and Minnesota have recently moved from split-funding system to funding either entirely or mostly by state appropriation.

Inherent Conflicts Due to Split Funding

A. Constitutional conflict

The Arizona state constitution (Art. VI, §1) specifies that “*the judicial power shall be vested in an integrated judicial department consisting of a Supreme Court...[and]...a superior court...*” Section 13 continues to say that “*the superior courts...shall constitute a single court...*” Dave Byers, Director of the Administrative Office of the Courts, asserted that Arizona’s system of split-funding can compromise the court’s ability to act as a single court. The superior court is subject, in part, to the funding decisions of the particular county in which it is located.

B. Who pays?

Testimony revealed that a split-funding system naturally creates conflict over issues of who (the county or the state) is the responsibility of covering specific costs incurred by the court.

C. Salaries

The court is one of the three branches of state government. It is not a department within the county. However, because the court is funded in large part by the county, the county has control over setting of salaries and the hiring of personnel. For example, the

state pays for most of the adult probation officers, but not all. The state gave a 0.2% salary increase for probation officers paid by the state. The county gave a 7% salary increase for probation officers paid by the county.

D. Risk Management

Split funding has caused problems in the area of risk management. When a state employee of the court has an accident in a county vehicle, there is conflict over whether this is a county or a state issue.

E. Automation Integration

The system of split funding has caused conflict in the court's effort toward full and integrated automation. Child support payments are paid through the courts. The court's child support computer has been linked with the Department of Economic Security's (DES) computer. DES has upgraded its computer system, and it is no longer compatible with that of the courts. Conflict arises as to who (the county or the state) should pay for the court's computer system upgrade.

Possible Funding Options

There are four possible funding options if Arizona decides to move to complete funding – or almost complete funding – by state appropriation.

1. State pays all costs
2. State pays all costs except for facilities
3. State pays for selected functions of the court (e.g., judicial, clerk of the court, probation department)
4. State pays for all costs for selected counties.

Complete State Funding is Revenue Neutral

Dave Byers asserted that a move to state funding would be revenue neutral after initial start-up costs. Currently, the courts are funded by sales tax revenue. The state could withhold the county's share of sales tax revenue the county would use to pay its share to fund the courts.

Dave Byers further testified that there would be an initial start-up cost of 5% - 8% to be incurred by the state in the early years due to the differential in employee salaries and to fix some problems with facilities which house the courts.

Conclusion

After listening to testimony, the committee decided that further investigation into the matter was needed. The committee unanimously agreed to extend the committee so that it may hear further testimony.

IV. Committee Recommendation

The Committee approved a motion to request that the Speaker and the President extend the Trial Court Funding Committee on an ad hoc basis in order to obtain more information regarding the possible funding options.

On November 30, 1999, a letter signed by Representative John Verkamp and Senator Marc Spitzer was delivered to the Speaker and the President requesting a one-year extension of the committee. A copy of the letter is attached.



Arizona State Legislature

1700 West Washington

Phoenix, Arizona 85007

November 30, 1999

Dear Madame President and Mr. Speaker:

We respectfully request that you extend the Trial Court Funding Study Committee (Laws 1999, Chapter 289) for one additional year as an ad hoc committee.

The committee met on November 5, 1999 to review the different funding systems for the superior court. By a unanimous vote, the committee voted to extend the committee on an ad hoc basis contingent upon your approval.

We feel that an extension of the committee is in the best interest of the state.

1. There is a trend for states to fund the superior court entirely by state appropriation.
 - 32 states fund the courts wholly by state funding.
 - 19 states (including Arizona) have some form of split funding. California, Florida and Minnesota are in the process of moving from a split funding system to almost complete funding by the state.
2. Testimony revealed that split funding has created tension between the county and state as to who is responsible for covering costs incurred by the court.
3. Some presiding superior court judges favor a move to total state funding while others do not.
4. Even if the committee would find a move to state level funding would benefit the state, there are four funding options. Further testimony is needed to determine which funding option would be best.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Verkamp".

Representative John Verkamp

A handwritten signature in black ink, appearing to read "Marc Spitzer".

Senator Marc Spitzer

V. Committee Minutes and Attachments

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KCS

ARIZONA STATE LEGISLATURE
Forty-fourth Legislature – First Regular Session

Interim Meeting

TRIAL COURT FUNDING STUDY COMMITTEE

Minutes of Meeting
Friday, November 5, 1999 – 10:00 a.m.
Senate Hearing Room 1

(TAPE 1, SIDE A)

The meeting was called to order at 10:10 a.m. by Cochair Spitzer. The attendance was noted by the secretary.

Members Present

Senator Tom Smith
Senator Marc Spitzer, Cochair

Representative Marilyn Jarrett
Representative Christine Weason
Representative John Verkamp, Cochair

Members Absent

Senator Joe Eddie Lopez

Speakers Present

Jodi Jerich, House Judiciary Research Analyst
Dave Byers, Director, Administrative Office of the Courts
Paul McIntosh, Manager, Mohave County

Guest List (Attachment 1)

PRESENTATIONS:

Jodi Jerich, House Judiciary Research Analyst, stated that the Trial Court Funding Study Committee was created by H.B. 2046, trial court funding study committee, Laws of 1999, Chapter 289, sponsored by Representative Linda Binder. The purpose of the Committee is to review trial court funding and the administration of justice in this State, and to review different funding systems to evaluate if changes to the funding of the Superior Court will provide improved strategic management of the courts and attainment of the goal of processing ninety percent of the criminal cases within one hundred days and ninety-nine percent of the cases within one hundred eighty days. The Committee shall submit its report on or before December 1, 1999.

Trial Court Funding Study Committee
November 5, 1999

Cochair Spitzer advised that recommendations made in a report prepared two years ago on this subject were contentious. The question is whether there should be statewide funding for the Superior Court and limited jurisdiction courts.

Cochair Verkamp stated that related issues are involved because there is split funding between the State and counties. One of the problems is whether the courts can have their own personnel system. He expressed concern that the Boards of Supervisors consider the courts to be just another of their departments. He stated the courts should be considered differently from other departments because they are a separate branch of government.

Representative Jarrett wondered if this Committee will address the issue of limited jurisdiction courts. She said the outlying counties feel judicial credits should be revised.

Cochair Spitzer advised this Committee can make recommendations on limited jurisdiction courts. He opined that Superior Court funding should be statewide and that there should be uniformity. He said the limited jurisdiction court is another complexity that was added, and he feels it should not be added.

Representative Jarrett declared that the subject should be addressed because of concerns raised; however, this Committee may not be the place to address those concerns.

Representative Weason expressed concern about problems in the court system. She cited different problems, such as lack of handles on doors and lack of air conditioning. Cochair Spitzer also mentioned poor conditions such as no air conditioning in courtrooms located in the old Post Office.

Dave Byers, Director, Administrative Office of the Courts, gave a slide presentation supporting the Court's position for State funding versus the current system of State/County split funding (Attachment 2). He reminded Members that Article VI, Section 1 of the Constitution specifies "... an integrated judicial department consisting of ... a superior court..." and that Article VI, Section 13 reads "The superior courts provided for in this article shall constitute a single court..." His presentation included information on increased case filings, revenues and expenditures. He said problems arise because of different funding sources. He revealed that 32 states now have courts that are either totally state-funded, or a majority are state-funded, and said the trend has been to move from county to state funding.

Cochair Spitzer queried whether there is information on the breakdown by county. Mr. Byers replied that information is compiled by county.

Cochair Spitzer brought up local control versus equity. He opined that if costs per county vary widely, the taxpayers are not being treated fairly and equally. He maintained that the fairness issue overcomes the local control issue at a certain point. A breakdown by county will provide important information. Mr. Byers noted that there are significant differences in costs by county. In rural counties, any cost per unit will be higher than in urban counties. The information will be significant if counties of comparable size are compared.

Mr. Byers reviewed the following:

- Problem Areas:
 - Who Pays (County versus State)
 - Local Political Personalities
 - Personnel Systems
 - Salaries (Probation, Court staff)
 - Risk Management
 - Capital Cases (cost to small County)
 - Drug Cases (one County versus another)
 - Automation Integration (child support)
- Funding Options:
 - All Costs (court, clerk of the court, probation, and facilities)
 - Selected Functions (judicial, clerk, probation)
 - Selected Counties
- Issues to Resolve:
 - Which funding option to pursue
 - Facilities and other assets (State or local control)
 - Level of County contribution towards funding
 - Funding of growth

Senator Smith noted that in an organization, three things are important: communications, supervision of work, and financial. He asked whether most problems deal with the financial issue. Mr. Byers replied in the affirmative. Senator Smith asked whether other problems would be eliminated if the financial part was strengthened. Mr. Byers answered that problems will always exist with the number of people involved.

Cochair Verkamp questioned how election of judges are handled and what happens to local control in states that have gone to a state-funding system. Mr. Byers replied there is no change.

Representative Jarrett said she would like to know the disposition of revenues from fines. Mr. Byers said he will provide that information.

- Potential Benefits to Be Achieved:
 - Abide by State Constitution
 - Enhance equal access to justice
 - Provides equitable funding source for trial courts
 - Promotes fiscal responsibility and accountability
 - Enables automation systems to be integrated and maintained statewide
 - Potential financial relief to Counties
 - Enables the courts to implement State legislative policies

Reduces local political confrontations between court and Board of Supervisors
Recognizes State has primary responsibility for funding the single Superior Court

Paul McIntosh, Manager, Mohave County, testified that trial courts in Arizona are funded by the cities, counties and the State, but administratively controlled by the State through the Supreme Court. Over time, an increased amount of administrative authority has been delegated to local presiding judges, creating a wide disparity in how the courts are administered from county to county. He advised that divided funding of trial courts in Mohave County does not provide for consistent accountability in court actions or fiscal policies, and allows for duplication of court services. The County Boards of Supervisors' responsibility is to set the budget and the tax rate. In the past, local presiding judges have issued court orders when they disagree with decisions made by the Boards which have resulted in unfunded mandates. Mohave County is currently in dispute with its presiding judge over a court order demanding an additional \$867, 234, in a time when the Board is trying to exercise fiscal discipline. He declared it is time for Arizona to take a look at the cost of administering justice in the State and to address the inequities that may exist. Mohave County would like to see a clear definition of the responsibilities of the Board of Supervisors and the courts. He stated there is conflict the way the current funding system is set up.

Cochair Spitzer advised that he is inclined to favor the State-funding option; however, discussions with presiding judges throughout the State have indicated they have a good relationship with their Board of Supervisors and would prefer to maintain the current system rather than have the Supreme Court fight with the Legislature for funding every year.

Representative Weason questioned Mr. McIntosh's testimony that presiding judges can go to their Board and mandate that the Board supplement the court's budget. Mr. McIntosh confirmed that was his testimony. He said Mohave County is currently in that situation and the only recourse is to file a special action with the Supreme Court to intervene in the matter.

Representative Jarrett said she received a letter from a member of the Mohave County Board of Supervisors regarding this issue. She was advised that the Supreme Court ruled that the courts cannot demand the Board of Supervisors to pay more money.

Cochair Verkamp advised that he has researched this issue and there are cases on both sides. The basic issue is whether the judge's order is arbitrary and capricious.

Mr. Byers related that in the following three cases, the Supreme Court ruled in favor of the Board: Maricopa County Board of Supervisors v. Judge Dann, Maricopa County Board of Supervisors v. Judge Rose, and a third case in Yuma.

Representative Jarrett queried whether the court order issued against the Mohave County Board of Supervisors involves the local superior court. Mr. McIntosh replied in the affirmative.

To that point, Cochair Verkamp revealed that he has received a letter noting that the court order is stayed pending further negotiations between the Board and the court. Mr. McIntosh pointed out that in Mojave County, the justice courts have joined in that order.

In response to Representative Jarrett, Mr. McIntosh clarified that the justice court judges have joined in the court order against the Board.

Cochair Spitzer turned the gavel over to Cochair Verkamp at 11:25 a.m.

Mr. McIntosh referred to Representative Jarrett's query about the impacts and adjustments of productivity credits. He revealed that in Mohave County, recalculation of productivity credits directly led to the creation of a new justice court, costing county taxpayers an annual expenditure of \$250,000 plus an additional \$750,000 for facilities.

To that point, Representative Jarrett maintained that the new justice court was needed because of increased caseload, and was not based on a frivolous decision on the part of the Legislature to divide that court.

Mr. McIntosh advised that a quarter cent sales tax has been dedicated by the Board to a capital facilities fund which includes a new law and justice center.

In reply to Cochair Verkamp, Mr. McIntosh related that the adoption of the sales tax issue by the Board took place after the administrative order.

Mr. Byers related that at quarterly meetings of presiding judges, historically the rural judges have voted in favor of State funding. In the last meeting, Maricopa and Pima County presiding judges voted against State funding.

Representative Jarrett asked Mr. McIntosh to provide information on ways to make justice courts run more efficiently.

Senator Smith stated there are a variety of ways to change funding, if that is the recommendation of the Committee. He opined that further discussion and information is needed before any action is taken.

Cochair Verkamp agreed. He said the purpose of this meeting is to provide information and background on the problem. He said the Committee might want to ask for an extension of the Study Committee.

Senator Smith said it appears there are some problems. He said there is no question finance drives the issue to some extent; personalities also drive the issue to some extent.

Representative Weason moved to extend the time line of the Committee to further investigate and study the issues before making recommendations and voting.

Senate staff advised that the options of the Committee are to either recommend that legislation be introduced to extend the Committee or to recommend to the Speaker and the President that they extend it with an ad hoc committee.

Representative Weason moved to extend the life of this Committee after the ad hoc procedure is approved by the Speaker of the House and the President of the Senate. Representative Jarrett seconded the motion.

Senator Smith said he does not know the advantage of an ad hoc committee. He said it might be easier to do this with a bill. He said there might be more support for it and it might have a firmer foundation with legislation.

Cochair Verkamp opined that the advantage to the ad hoc committee is that it does not have to go through the whole procedure that a bill has to go through.

Question was called on Representative Weason's motion. The motion carried.

TAPE 1, SIDE B

Cochair Verkamp announced that Presiding Judge Gary Pope of Mohave County Superior Court sent a letter dated November 4, 1999 to Members of the Committee in which he presents the court's position on the funding issue conflict with the County (Attachment 3).

Without objection, the meeting adjourned at 11:40 a.m.


Joanne Bell, Committee Secretary

(Original minutes, attachments and tapes on file in the Chief Clerk's Office.)

Hearing Room No. 1
Date: 11/05/97
Time: 10:00

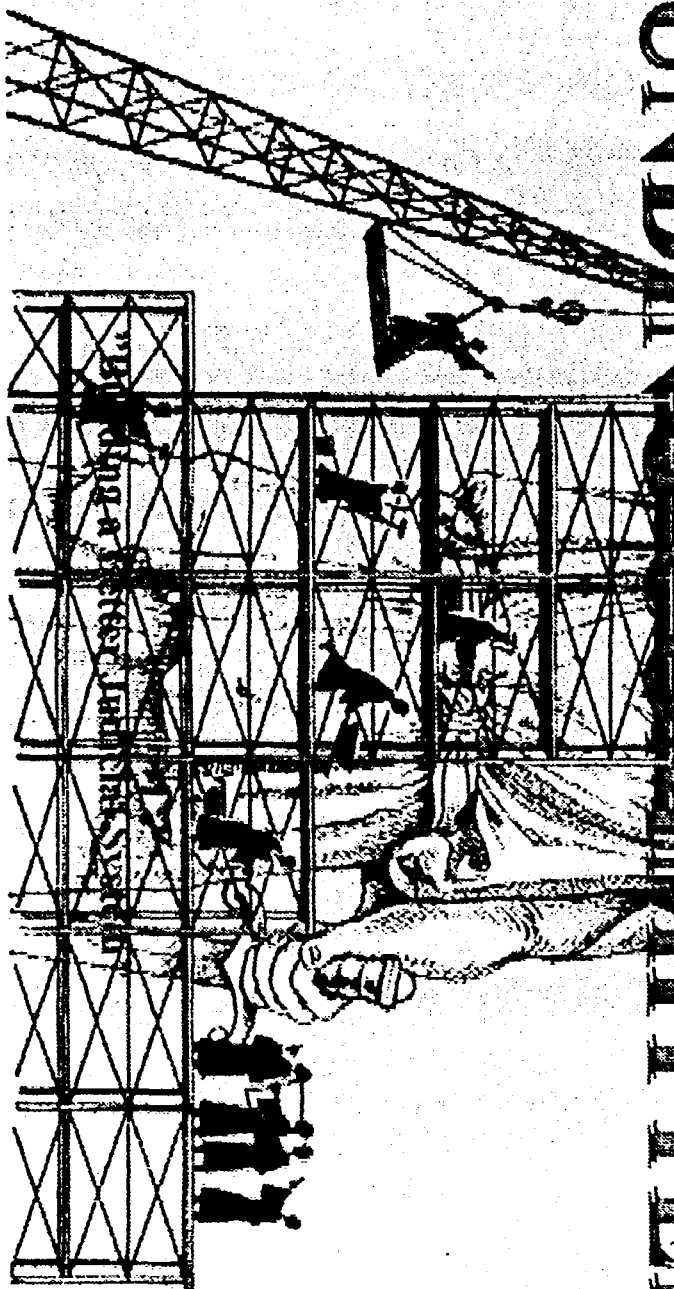
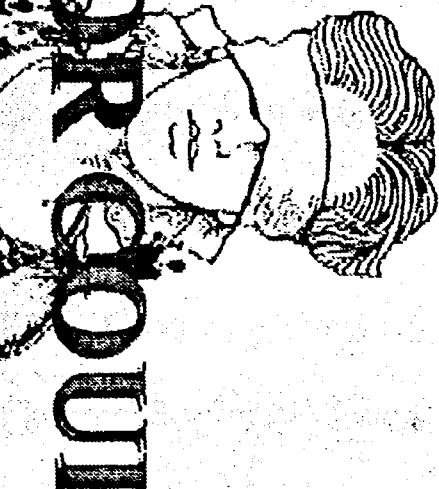
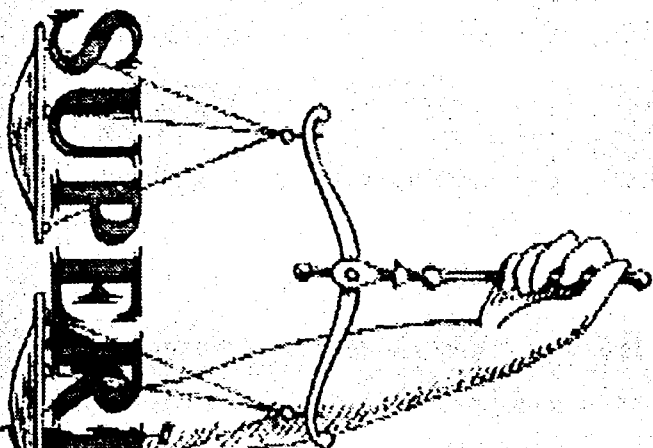
MEETING OF COMMITTEE ON
TRIAL COURT FUNDING

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Attachment 1

SUPERIOR COURT

FUNDING COMPANY



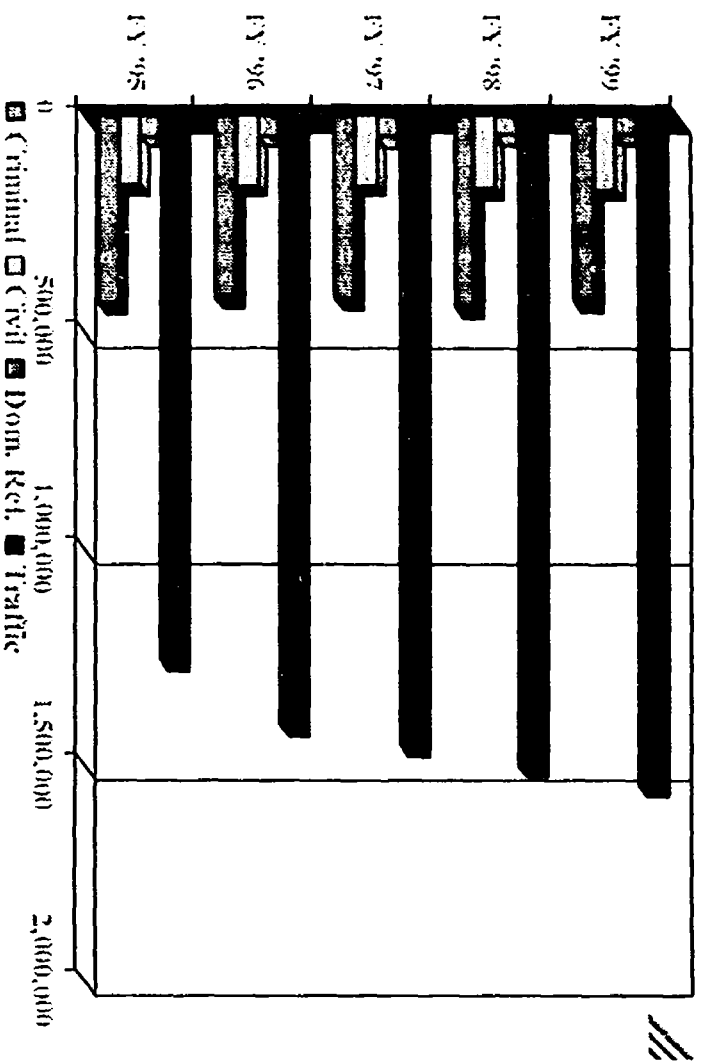
What Does the Constitution Require?

/// Article VI Section 1: “...an integrated judicial department consisting of ... a superior court ...”

/// Article VI Section 13: “The superior courts provided for in this article shall constitute a single court ...”

“Building a Better Judicial System”

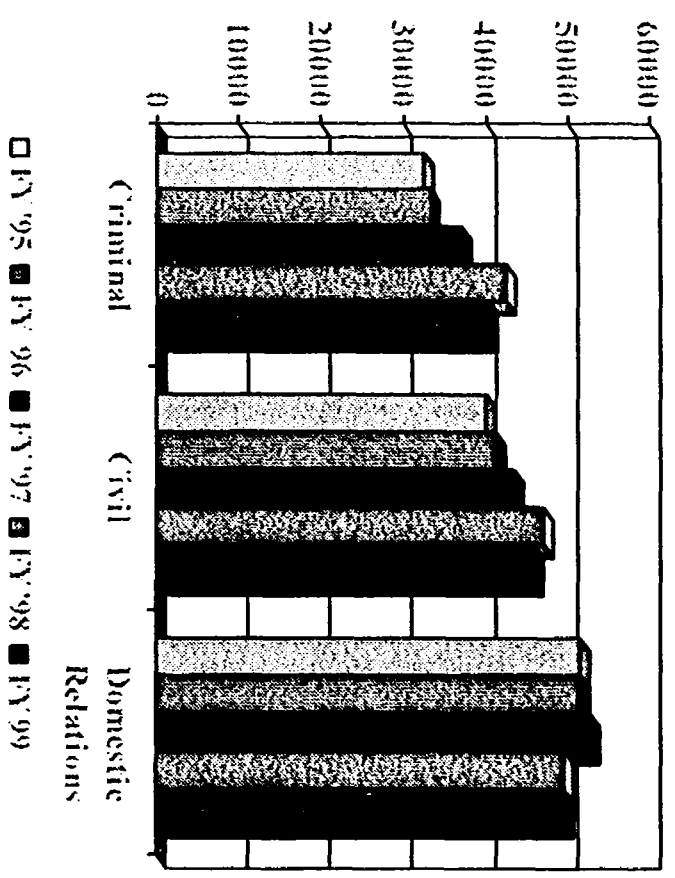
STATEWIDE TOTAL FIVE-YEAR CASE FILINGS



Total statewide filings
increased 23.3% ↑
from 1.96 million in FY
'95 to 2.42 million in
FY '99

"Building a Better Judicial System"

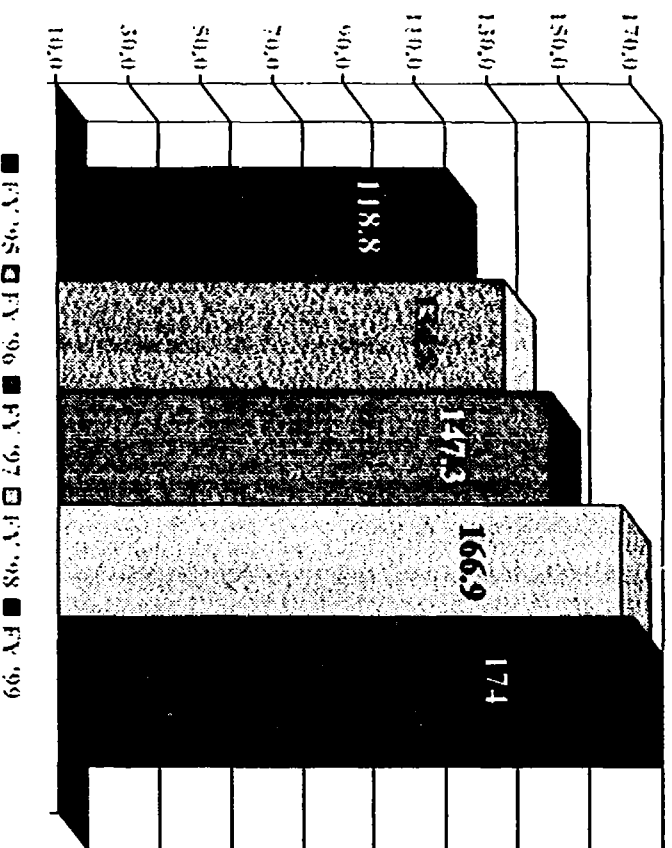
SUPERIOR COURT TOTAL FIVE-YEAR CASE FILINGS



// Total Superior Court
 filings increased
 12.5% ↑ from
 155,175 in FY '95 to
 174,589 in FY '99

"Building a Better Judicial System"

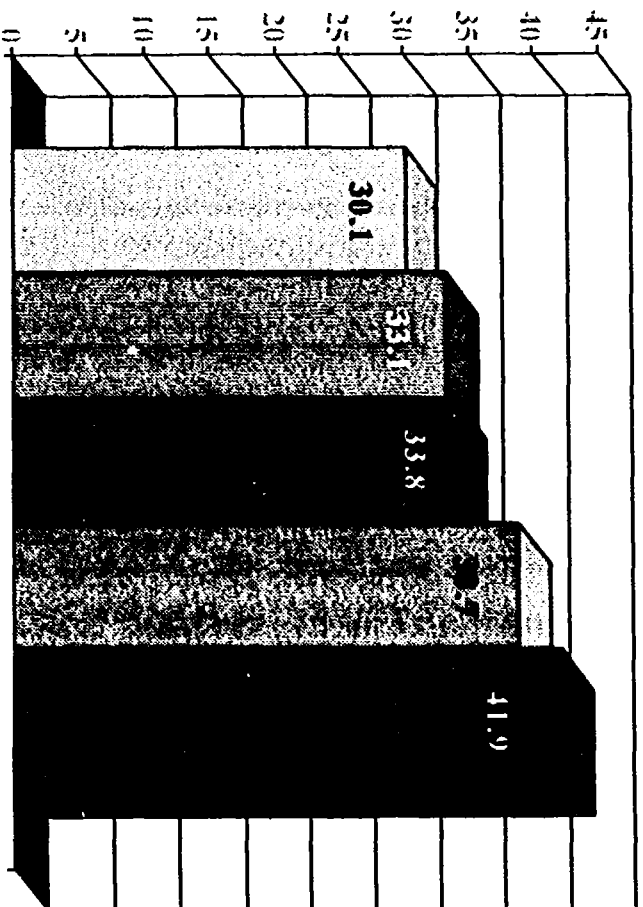
Statewide Revenue Summary



Total statewide court revenue increased 46.5% ↑ from \$118.8 million in FY '95 to \$174.0 million in FY '99.

"Building a Better Judicial System"

SUPERIOR COURT REVENUE SUMMARY



Total Superior
Court revenue
increased 39.2% ↑
from \$30.1 million
in FY '95 to \$41.9
million in FY '99.

□ FY '95 ■ FY '96 ■ FY '97 ■ FY '98 ■ FY '99

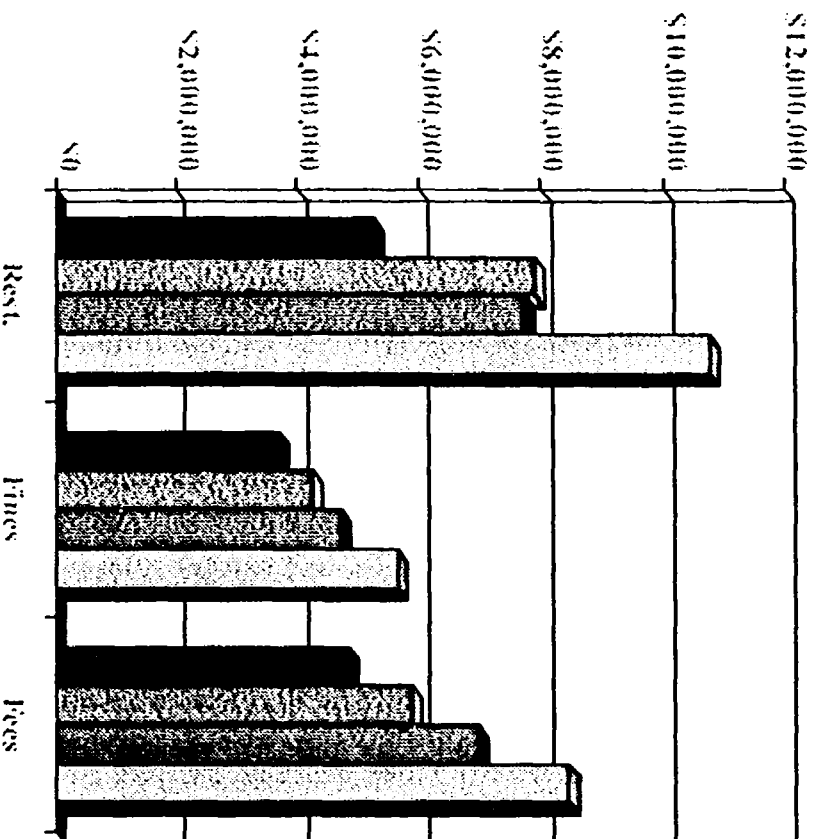
"Building a Better Judicial System"

Additional Monies Collected Above \$70 Million Annually

1989	\$ 14,416,900
1990	25,359,800
1991	39,430,200
1992	40,014,700
1993	34,377,800
1994	42,889,300
1995	48,769,700
1996	64,763,100
1997	77,280,700
1998	96,879,200
1999	<u>104,630,400</u>
Total	\$ 588,811,800

"Building a Better Judicial System"

ADULT PROBATION COLLECTION ACTIVITY



≈ 72.6% Increase in Total
Collection Activity

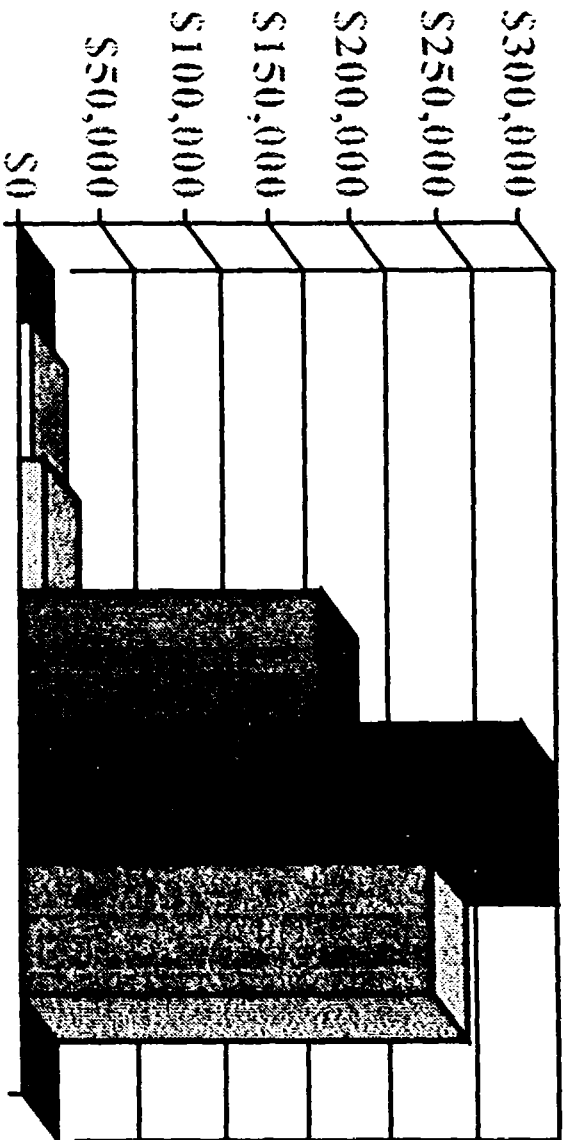
≈ 104% Increase in Restitution
≈ 74.3% Increase in Probation

Fees



“Building a Better Judicial System”

Interstate Probation Collections

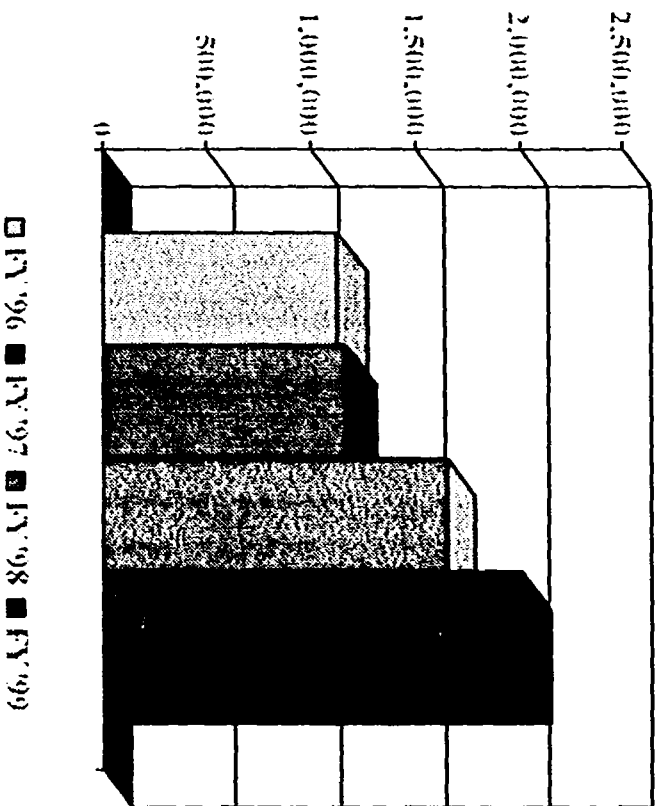


// 3,636% Increase Since
Assumption from DOC

☐ FY '95 DOC
 ☐ FY '96 DOC/COURTS
 ☐ FY '97 COURTS
 ☐ FY '98 COURTS
 ☐ FY '99 COURTS

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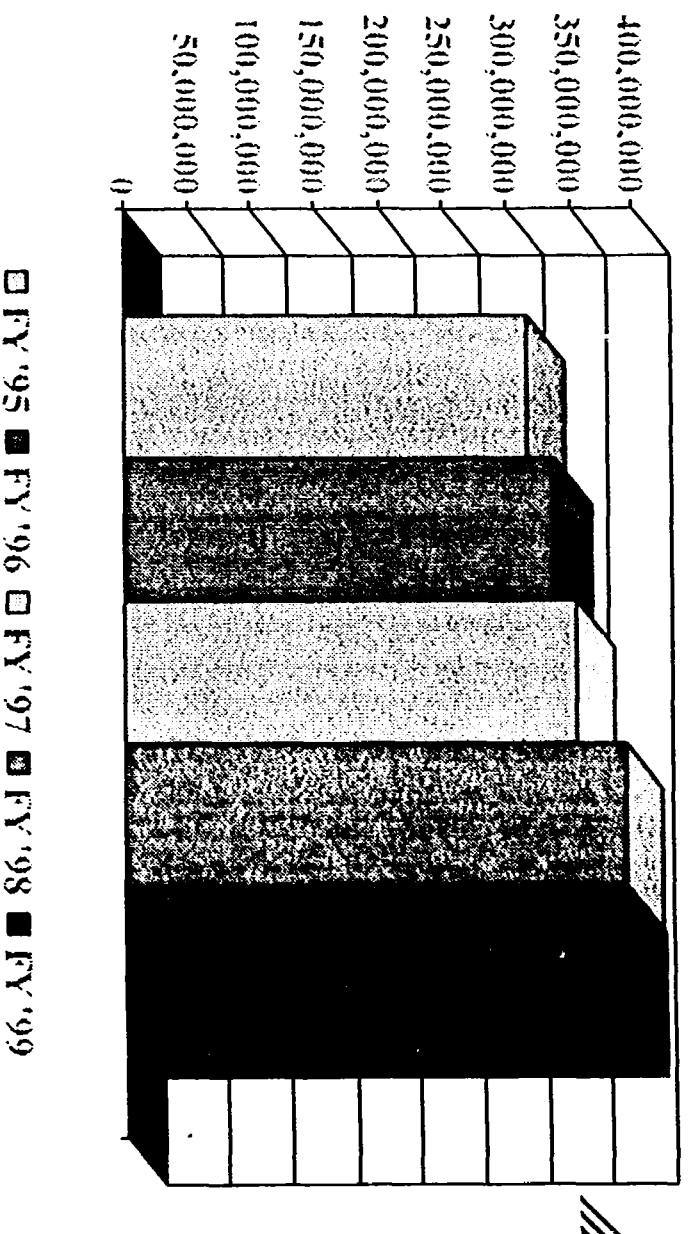
JUVENILE PROBATION COLLECTION ACTIVITY



// 78.1% Increase in Total
Collection Activity

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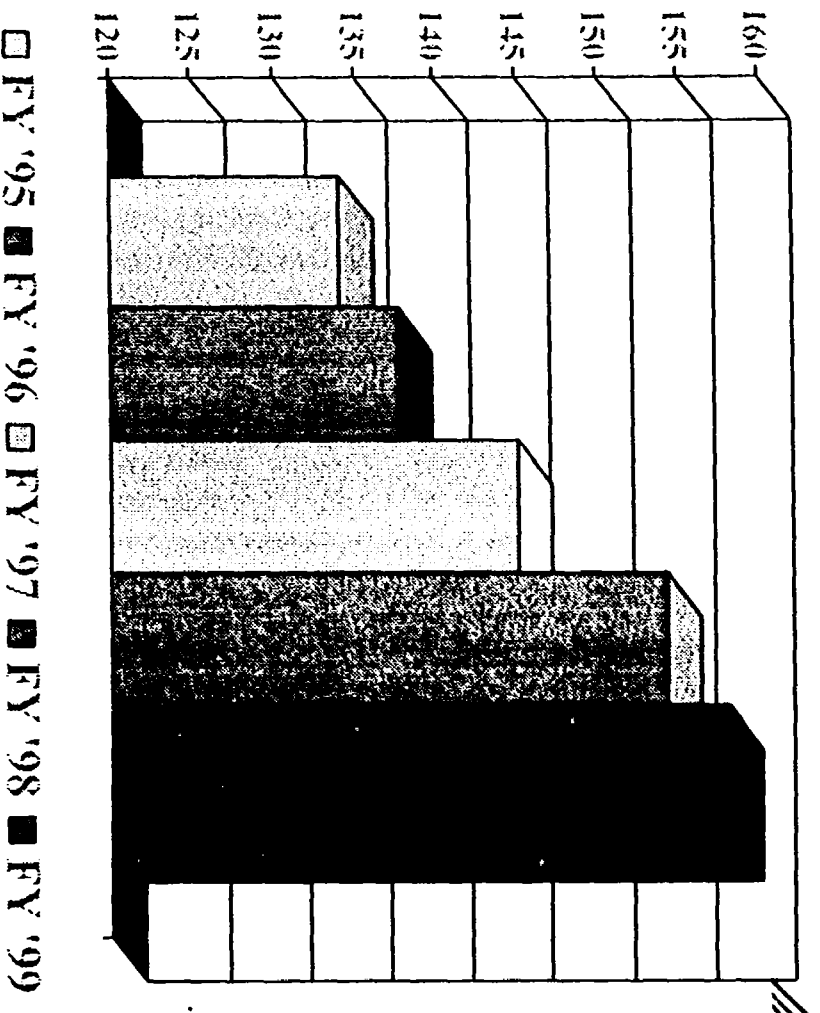
Statewide Total Expenditures



Statewide expenditures have increased 24.6% ↑ from \$316.4 million in FY '95 to \$394.2 million in FY '99

”Building a Better Judicial System”

Superior Court Expenditure Summary

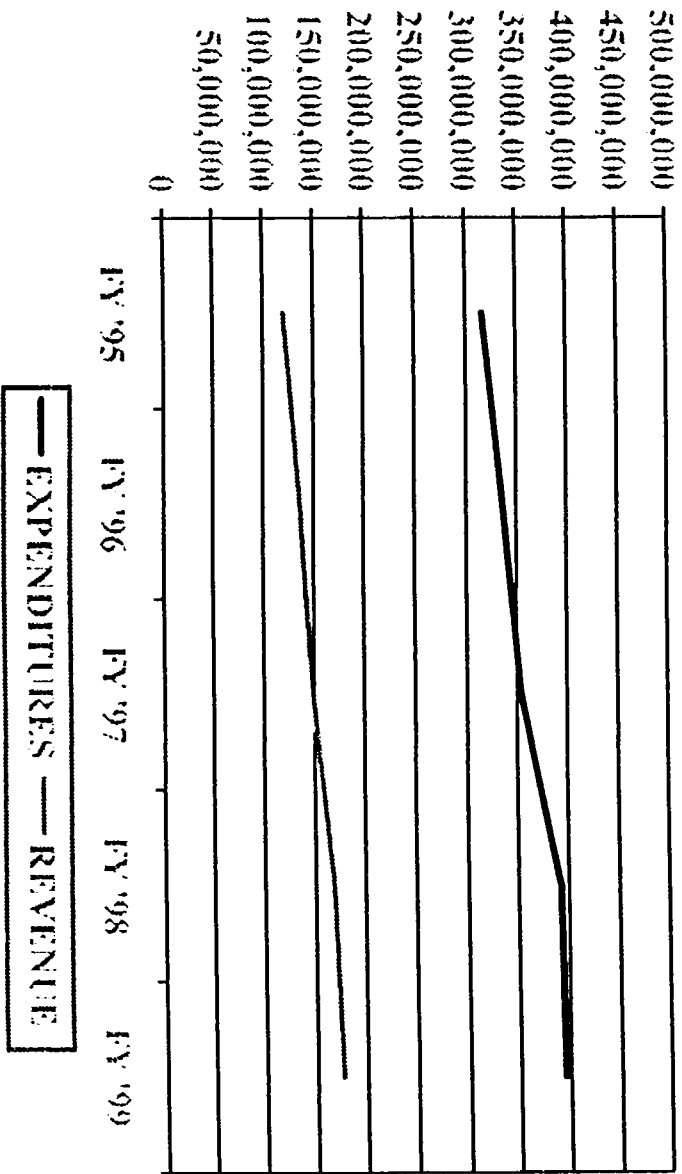


Superior Court
Expenditures by the
county have increased
17.8% ↑ from 134.1
million in FY '95 to
\$158.0 million in FY '99

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Statewide

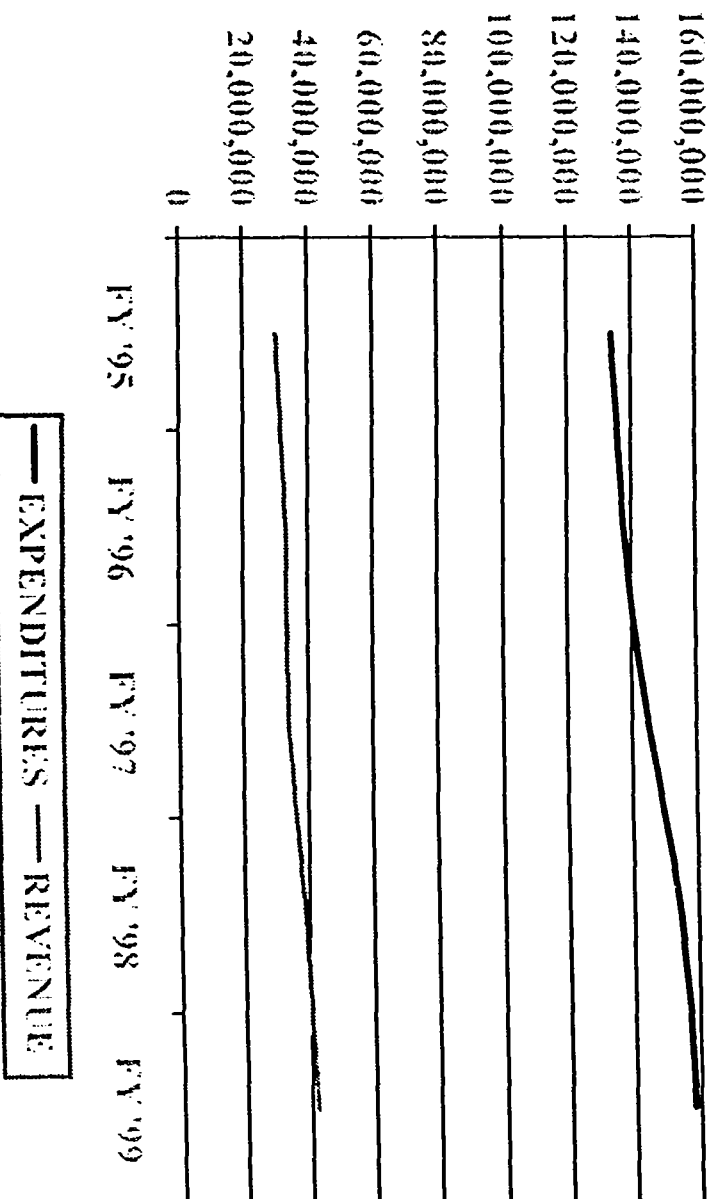
Revenue vs. Expenditures



"Building a Better Judicial System"

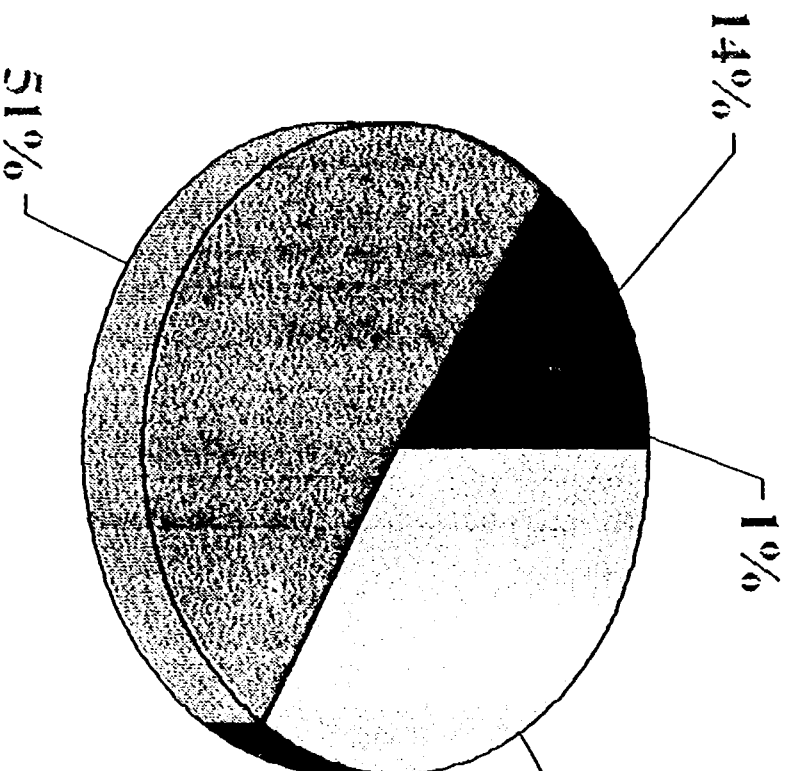
Superior Court

Revenue vs Expenditures



"Building a Better Judicial System"

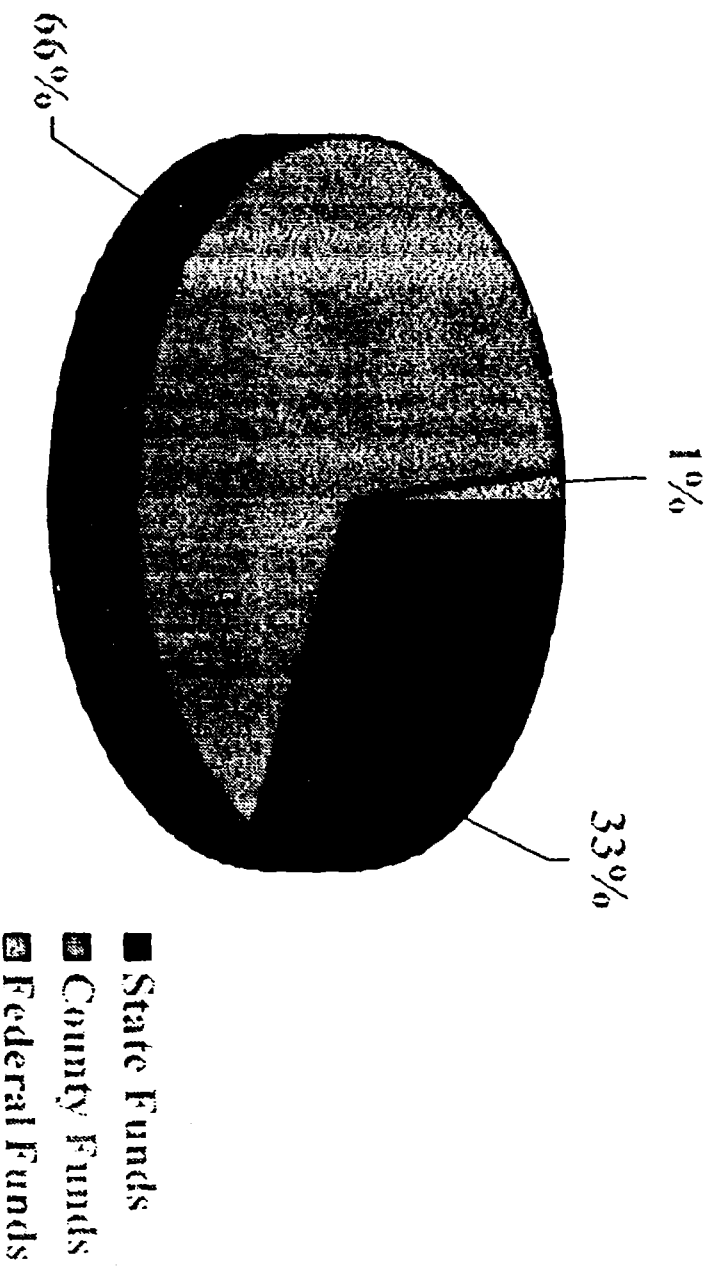
Statewide Expenditures by Source



- ☐ State Funds
- ☒ County Funds
- ☒ Municipal Funds
- ☒ Federal/Private Funds

"Building a Better Judicial System"

Superior Court Expenditures by Source



"Building a Better Judicial System"

Cost Per Case Without Probation

Fiscal Year	Superior Court	Superior Court Clerk	Total
1995	\$ 440.48	\$ 206.86	\$ 647.34
1996	\$ 432.80	\$ 204.49	\$ 637.29
1997	\$ 429.50	\$ 197.78	\$ 627.28
1998	\$ 422.54	\$ 201.90	\$ 624.44
1999	\$ 423.69	\$ 212.72	\$ 636.41

FY '99 Statewide Cost per Case was \$100.11

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Problem Areas

- /// **Who Pays (County vs State)**
- /// **Local Political Personalities**
- /// **Personnel Systems**
- /// **Salaries (Probation, Court Staff)**

“Building a Better Judicial System”

Problem Areas

/// **Risk Management**

/// **Capital Cases (Cost to Small County)**

/// **Drug Cases (One County vs Another)**

/// **Automation Integration (Child Support)**

“Building a Better Judicial System”

Funding Options

/// All costs (court, clerk of court, probation, and facilities)

/// All costs but facilities

/// Selected Functions

/// judicial

/// clerk

/// probation

/// Selected counties

“Building a Better Judicial System”

Issues to Resolve

- /// Which funding option to pursue**
- /// Facilities and other assets (state or local control)**
- /// Level of county contribution towards funding**
- /// Funding of growth**

"Building a Better Judicial System"

Potential Benefits to be Achieved

- /// Abide by State Constitution**
- /// Enhance equal access to justice**
- /// Provides equitable funding source for trial courts**

“Building a Better Judicial System”

Potential Benefits to be Achieved

- /// Promotes fiscal responsibility and accountability**
- /// Enable automation systems to be integrated and maintained statewide**
- /// Potential financial relief to counties**

"Building a Better Judicial System"

Potential Benefits to be Achieved

- /// Enables the courts to implement State legislative policies.**
- /// Reduces local political confrontations between court and Board of Supervisors**
- /// Recognizes state is primarily responsible for funding the single Superior Court**

"Building a Better Judicial System"



GARY R. POPE
PRESIDING JUDGE
DIVISION I

**SUPERIOR COURT OF ARIZONA
COUNTY OF MOHAVE**

MOHAVE COUNTY COURTHOUSE
P.O. Box 7000
KINGMAN, ARIZONA 86402

(520) 753-0712
FAX: (520) 753-3541

November 4, 1999

TRIAL COURT FUNDING STUDY COMMITTEE

Senator Spitzer, Co-Chair
Representative Verkamp, Co-Chair
Senator Lopez
Senator Smith
Representative Jarrett
Representative Weason

Unfortunately, due to my Court calendar I will be unable to personally appear at the Trial Court Funding Study Committee. However, it is my understanding that Dave Byers, Administrative Director of the Courts, will speak on behalf of the Courts. After having served in the judicial community for 23 years and having served as the Mohave County Attorney, I believe that this issue needs to be reviewed although I don't necessarily see an easy solution coming from that review.

I am reminded of a conversation that I once had at a political gathering at the Mohave County Fairgrounds when Burton Barr was running for Governor against Evan Mecham in the Republican Primary. That must have been 10 to 15 years ago, but at that particular time a Bill had been introduced into the Legislature for the State to take over Court funding. I asked Burton at the meeting what his position was on the Bill and he very candidly spoke to me and the entire members of the audience and said this and it is clearly in my mind what he said. He said, "Gary, let me tell you, we are working in the Legislature with a \$40,000,000 increase in the budget to run the entire State. That is the maximum amount of money that we will need for this fiscal year. We have projected that the cost of funding the Courts in the State is approximately \$40,000,000. I can assure you that we will not take our entire allocation for increased funding for the entire State and spend 100 percent funding the Courts. I will not support it and it will not happen." Those words have resonated in my mind for the past 10 or 15 years.

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The State has come forward on many occasions, provided funding mechanisms for fees and assisted in supporting the system. This blended funding does, of course, create some conflicts. There has been some conflicts that have resulted from blended funding that have occurred here in Mohave County.

One very simple issue that we face on an annual basis is when the County provides a cost of living increase for employees in the Probation Department area when the State does not provide the same amount or a similar amount, then those employees that are paid for by State funds and those employees that are paid for from County funds have different rates of increases applied to their salaries. It is then necessary for us to devise some sort of a financial logic to treat both classes of employees equally because both classes are doing identical jobs. We have been able to accommodate that with fees, but I don't know for how much longer.

There certainly is a natural feeling from the funding source, i.e. the local Board of Supervisors, that they should not fund that which they do not control and that is a logical understanding also. However, if the Legislature took that same tactic and said to the Court system in general that they won't fund that which they can't control then basically one branch of government would be out of business at the expense of the other.

We currently have a conflict in Mohave County between the funding source and the Courts as to what amount of money is adequate to provide basic services, but that is another issue, and is really totally unrelated to State funding, other than the fact that State funding would alleviate that conflict. I have had the privilege of serving either as legal adviser for or working with six different Boards of Supervisors and with five or six different County Managers, all of which bring to the political arena a different prospective and different philosophy on how counties should be operated and how budgets should be formulated. We have always been able to work through our differences and I am optimistic that reasonable people can always sit down and work out those differences.

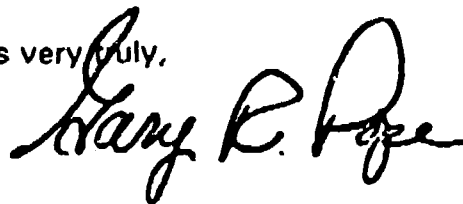
I will say that grants coming from the Supreme Court through the Case Processing Assistance Funds have enabled us in Mohave County to come very close to meeting the goals of having 90 percent of the criminal cases processed within 100 days and 99 percent of the cases within 180 days. However, that has not come without a great deal of pressure put on the entire system, which also includes Justice Courts, which are picking up much of the spill over from the Superior Courts. I have always envisioned the entire Court system, the Superior Court and the Justice Courts, and yes even the Municipal Courts, as a giant balloon and part of the giant balloon includes Probation, Deputy Court Clerks working in the Superior Court Clerk's Office, Clerks and Assistant Clerks working in the Justice Courts. Any time you start pushing

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on one side of the balloon invariably it pushes out on another side and sometimes it is difficult to notice that whenever you push hard on one system where the bubble will come out and it may not come out equally, but it may be dispersed in pockets and directed towards certain portions of the entire system. Any time that you look at the justice system it has to be looked at globally, including law enforcement, prosecution and defense, and I know that this Committee is aware of that.

Thank you for the opportunity to present my remarks and again I regret that I am not able to attend personally, but I believe that Dave Byers, the Executive Director of the Administrative Office of the Courts can more appropriately address specific issues.

Yours very truly,

A handwritten signature in black ink, reading "Gary R. Pope". The signature is fluid and cursive, with the first name "Gary" being the most prominent.

Gary R. Pope,
Presiding Judge

GP:ll

out.307

VI. Laws 1999, Chapter 289

E. The ballot in the election described in subsection A of this section shall list each project to be financed with the tax collected and the estimated costs of each project. The tax sunsets if and when the total amount of estimated costs for all of the projects has been raised.

Approved by the Governor, May 18, 1999.

Filed in the Office of the Secretary of State, May 18, 1999.

LEGISLATIVE COMMITTEE ON JUDICIAL AFFAIRS
TRIAL COURT FUNDING STUDY COMMITTEE
 CONTACT: [illegible]

CHAPTER 289

H.B. 2046

AN ACT ESTABLISHING A TRIAL COURT FUNDING STUDY COMMITTEE.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Trial court funding study committee; membership; duties; report

A. The trial court funding study committee is established consisting of the following members:

1. Three members of the senate, appointed by the president of the senate with no more than two members who represent the same political party. The president of the senate shall designate one member as cochairperson of the committee.

2. Three members of the house of representatives, appointed by the speaker of the house of representatives, with no more than two members who represent the same political party. The speaker of the house of representatives shall designate one member as cochairperson of the committee.

B. The committee shall:

1. Review trial court funding and the administration of justice in this state.
2. Review different funding systems to evaluate if changes to the funding of the superior court will provide improved strategic management of the courts and attainments of the goal of processing ninety per cent of the criminal cases within one hundred days and ninety-nine per cent of the cases within one hundred eighty days.
3. Make recommendations and report on or before December 1, 1999, to the president of the senate, the speaker of the house of representatives and the governor. The committee shall forward a copy of this report to the secretary of state and the director of the department of library, archives and public records.

C. The committee may use the services of legislative staff.

Sec. 2. Repeal

This act is repealed from and after December 31, 1999.

Approved by the Governor, May 18, 1999.

Filed in the Office of the Secretary of State, May 18, 1999.

Additions are indicated by underline; deletions by ~~strikes~~